

REMARKS

This Amendment is responsive to the Final Office Action of February 26, 2003. Reexamination and reconsideration of **claims 1-20** is respectfully requested.

Summary of Telephonic Interview With Examiner

Applicant wishes to thank the Examiner for the courtesies extended during the telephonic interview on April 3, 2003 with the Applicant's Attorney. A proposed amendment to claim 1 was discussed which related to the term "the second end." The amendment changes the term "closeable" to "collapsible". The Examiner stated that the references of record did not teach or suggest an adjustably collapsible second end as claimed, and that claim 1 would distinguish over the references of record.

Regarding independent claim 9, the Examiner agreed that the amendment to the element second end would distinguish claim 9 over the references of record. The Examiner also agreed that the proposed amendment to independent claim 17 would also distinguish claim 17 over the references of record by changing the term "closeable" to "collapsible".

The specification supports the amended language in paragraph [0032], and throughout the specification based on the described properties of the claimed elements. Thus, no new matter is being added by the present amendment.

All independent **claims 1, 9 and 17** patentably distinguish over the references of record and are now in condition for allowance. It then follows that all remaining dependent claims are also in condition for allowance.

Applicant believes the present amendment places the claims in condition for allowance and, places the claims in better form for appeal if necessary. Thus, applicant respectfully requests that the present amendment be entered.

Regarding dependent claims 6 and 7, these claims were rejected as being obvious under *In re Japiske*, 86 USPQ 70 since rearranging parts of an invention involves only routine skill in the art. However, claims 6 and 7 recite limitations that change the mechanical relationship and functionality of the claimed elements. Therefore, they do not recite merely a rearrangement of parts. Since the claimed features are not taught or suggested by the

Additional Search Not Required

The applicant respectfully submits that the present amendment does not require additional search or consideration. Regarding claim 1, surely the initial search for the feature "adjustably closeable" would have covered the same art as for the amended feature "adjustably collapsible." The term "collapsible" is a sub-set of "closeable." Thus, the search for the original claim would have included all relevant references for the amended claim. Applicant believes performing an additional search for the amended claims would not result in a different search strategy or different relevant references. Therefore, an additional search should not be required and the claims should be in condition for allowance without requiring the applicant to file an RCE.

Regarding independent claim 9, applicant respectfully believes that the original search would have covered the amended language. The amended phrase is a sub-set of the original phrase. Thus, the original search would be broader than a new search for the amended claim which should not be necessary. As for the term "unattached," the claim recited that the first end is secured and did not recite that the second end was secured or attached. Thus, the original search would have covered art with both attached and unattached second ends. As such, a new search for an unattached second end should not be necessary.

Regarding independent claim 17, the terms "collapsible" and "unattached" were added. Thus, a new search would not be necessary for similar reasons as stated above.

The Examiner is invited to contact the undersigned attorney to discuss any questions regarding the present amendment.

Conclusion

For the reasons set forth above, **claims 1-20** patentably and unobviously distinguish over the references of record and should now be in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,



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Doc 1114976 Ver 2